

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI**ORDER SETTING DEADLINES AND
TRIAL DOCKET**

The Court does hereby FIND, ORDER AND ADJUDGE as follows:

1. **Trial Docket:** Unless or until modified by written order of this Court, the following Trial Docket, attached hereto as Exhibit "A", will prevail for all cases assigned to Judge Richard A. Smith for the week of 10/01/18. If any attorney has a conflict, he/she must either file an Agreed Order of Continuance or make a written Motion for Continuance and pursue said motion to hearing and decision by the Court prior to the deadline. Otherwise each attorney will be expected to appear ready for trial at the appointed time.

Pursuant to Rule 3.13, failure of an attorney to try the case or failure to notify the Court of settlement of a case before 5:00 P.M. on the day before the trial will entail assessment of all costs, including fees and mileage of jurors who have been required to be present for the trial, against whichever party litigant or attorney the Court deems appropriate.

If not tried on the day set, each case will be moved to the following day of the week for trial. Attorneys and parties and witnesses will remain ready for trial until excused by the Circuit Court.

2. **Pretrial Motions:** All pretrial motions including Motions for Continuance, must be filed and set by Movant not later than seven (7) days prior to trial. Any motions filed past this date will not be considered absent extraordinary and compelling reasons.

3. **Petitions to Enter Guilty Pleas:** A "Petition to Enter a Guilty Plea" must be filed not later than the Friday prior to the first time the defendant's case is set for trial. This will be the **only time** a recommended plea offer will be considered.

If the petition is filed anytime after this date (including if your case is continued to another trial setting) the Court will not accept the plea agreement and all pleas will be open or the defendant will go to trial. Copies of the "Petition to Enter a Guilty Plea" are to be furnished to the District Attorney's Office and to the Court Administrator. These must be **filed and served by 12:00 NOON** on the Friday prior to trial.

4. **Docket Call:** There will be no docket call. Unless a written Order of Continuance is signed and filed then each case is expected to be ready for trial.

5. **Subpoenas Duces Tecum for Production at Trial:** Pursuant to Rule 2.01 (B) U.R.C.C.C., a subpoena may, without motion to hearing, require the production of documents at the date, time and place of the trial at which these items are to be offered in evidence is scheduled to take place.

6. **Subpoenas Duces Tecum for Production other than at Trial:**

Pursuant to Rule 2.01 (c) (1) U.R.C.C.C. and Rule 45 M.R.Civ.P, a hearing on such a motion for subpoenas for documents for other than a scheduled trial or hearing, shall be set no earlier than ten (10) days after filing, with service of the motion on:

- a) the custodian of the documents subject to the subpoena;
- b) all parties;
- c) all persons whose documents would be subject to the subpoena;
- d) all persons who may have a claim that privileged material would be subject to the subpoena.

7. **Subpoena ad testificandum:** Any subpoena which compels the attendance of a witness must conform to Rule 45 M.R.C.P. and Section 13-3-93 M.C.A. and must be promptly and timely filed; the witness shall attend, from day to day, and from term to term without further notice, until discharged by the Court or by the party at whose instance he was subpoenaed. Section 13-3-105 M.C.A.

8. **Transportation Order:** If your clients are incarcerated somewhere other than the County or City Jail, it is the responsibility of the Defense Attorney to prepare, present and have signed Transportation Orders in order to have your clients available for trial.

9. **Jury Instructions:** At least twenty four (24) hours PRIOR TO TRIAL each attorney must number and file the attorney's jury instructions with the Clerk, serving all other attorneys with copies of the instructions. Except for good cause shown, the Court **WILL NOT ENTERTAIN** a request for additional instruction or instructions, which have not been pre-filed. Rule 3.07 U.R.C.C.P.

SO ORDERED, this the 11th day of September, 2018.



RICHARD A. SMITH
CIRCUIT JUDGE

IN THE CIRCUIT OF SUNFLOWER COUNTY, MISSISSIPPI**ORDER SETTING PRE-TRIAL
CONFERENCE/OMNIBUS HEARING**

CAME NOW and the Court moving *sua sponte* FINDS, ORDERS, AND ADJUDGES the following:

1. Pursuant to Rule 9.08 Uniform Circuit and County Court Practice, the following cases are set for pre-trial/omnibus hearings on the 1st day of October, 2018, beginning at 8:30 A.M. before Circuit Judge Richard A. Smith at the courthouse located in Indianola, Sunflower County, Mississippi; these cases are as follows:

#2017-0047 09/10/18	Ashlie Whatley	Felony Worthless Check	Giles
#2018-0044 09/10/18	Bobbie Flemming	Felony Embezzlement-3 Cts.	J. Daniels
#2018-0048 09/10/18	Raubert Carter	Aggravated Assault-Enhanced	Giles
#2018-0052 09/10/18	Ramarius Griffin	Burglary of a Dwelling	Giles

2. Continuance: If discovery is not complete or motions are outstanding prior to this setting, counsel shall submit either a signed agreed order of continuance and/or set said motions for hearing.

3. Duty of counsel following the hearing: Counsel shall, by utilizing the appropriate check list form provided by the rules, provide an agreed "Action Taken at Omnibus Hearing" order which will reflect the action and matters discussed.

4. All counsel of record shall be present, **WITH THEIR CLIENT(S)** and have with them their complete file including names and addresses of all witnesses anticipated to be called, all proposed documents, all exhibits (excluding those for impeachment); all photographs; all demonstrative aids to be used by counsel but not offered into evidence as an exhibit; all medical and scientific reports. Both sides shall be prepared to discuss all matters reflected in the "Action Taken at Omnibus Hearing" check list.

5. Counsel shall provide preliminary jury instructions with legal citations.

6. Any facts established by admission or stipulation shall be by written stipulation, signed by the defendant and defendant's attorneys.

7. The order from the omnibus hearing will control the course of the trial and may not be amended except by order of this Court. Unless and until a pretrial order is entered, cases will not be set on the court's "Trial Docket".

SO ORDERED this the 11th day of September, 2018.



Richard A. Smith
Circuit Judge

**IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI
OCTOBER, 2018, TERM**

AMENDED: 09/10/18**Judge Richard A. Smith****Monday, October 1, 2018**

**8:30 a.m. EMPANEL GRAND JURY
PLEAS, SENTENCES & MOTIONS
PRE-TRIAL/OMNIBUS HEARINGS**

#2014-0045	Roderick Lewis	Capital Murder	Giles
08/20/14	(Mental Exam Ordered 02/02/17)(Order to Stay Case 02/02/17)		14
#2015-0058	Vincent McGee	Conspiracy	Wells
09/21/15		Taking Controlled Substance on MSP Poss. Of Weapon by Felon	11
#2016-0052	Alexandria Jennings	Capital Murder	Giles
09/13/16	(Mental Exam Ordered 04/05/16-McVaugh) (Mental Exam Ordered 10/02/17-Lott)(Exam Set 07/14/18)		
	Garrick Price	Conspiracy	Gore
	Lucas Edwards		Lee
	Vilandrus Gibson		Jenkins
			8
#2017-0043	Marquel Allen	Receiving Stolen Property	Wells
09/13/17			5
#2017-0055	Jeremy Bradford	Poss. Of Marijuana	Bogen
09/13/17			4
#2017-0088	Jeremy Bradford	Poss. Of Marijuana W/I Poss. Of Controlled Substance W/I	Bogen
01/08/18			3
#2017-0063	Tonua Whitaker	Murder	Wells
09/13/17			5
#2018-0029	Hubert Lee Carpenter	Sale of Hydrocodone & Acetaminophen	Dyer
06/04/18			2
#2018-0030	Hubert Lee Carpenter	Sale of Hydrocodone & Acetaminophen	Dyer
06/04/18			2
#2018-0031	Hubert Lee Carpenter	Sale of Hydrocodone & Acetaminophen	Dyer
06/04/18			2
#2018-0032	Hubert Lee Carpenter	Sale of Hydrocodone & Acetaminophen	Dyer
06/04/18			2

Monday, October 1, 2018(Continued)

#2018-0036 06/04/18	Jeremiah Redding	Robbery	Wells 2
#2017-0023 05/17/17	Dwayne Dabney	Second Degree Murder	J. Smith Thomas 5
#2017-0047 09/10/18	Ashlie Whatley	Felony Worthless Check	Giles
#2018-0044 09/10/18	Bobbie Flemming	Felony Embezzlement-3 Cts.	J. Daniels
#2018-0048 09/10/18	Raubert Carter	Aggravated Assault-Enhanced	Giles
#2018-0052 09/10/18	Ramarius Griffin	Burglary of a Dwelling	Giles

Tuesday, October 2, 2018

TRIALS

#2016-0003 05/04/16	Brian Nelson (Mental Exam Ordered 10/18/16-McVaugh) (Mental Exam Ordered 09/21/17-Lott)(Appt. Set for 02/21/18)(Rep.Rec'd.03/01)	1 st Degree Murder	Thomas 7
#2016-0060 01/13/17	Kenneth Davis	Burglary of a Dwelling	Giles 7
#2017-0007 05/17/17	Frederick Zolicoffer	Poss. Of Marijuana W/I-Enhanced Poss. Of Weapon by Felon	Wells 5
#2017-0019 05/17/17	Lexus James (Mis-Trial on 06/27/18)	Poss. Of Weapon by Felon	Wells 5
#2017-0082 01/08/18	Joseph Bassie	Poss. Of Methamphetamine	Wells 4

Wednesday, October 3, 2018Thursday, October 4, 2018Friday, October 5, 2018